

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEVADA
LAS VEGAS DIVISION

FILED
ENTERED
2012 JUN 14 P 12:20

UNITED STATES OF AMERICA
Plaintiff/Respondent

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Case No: 2:10-CR-00520-RJJ

V.

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2:09-CR-00078-JCM-RJJ-2

SHAWN TALBOT RICE

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Defendant/Petitioner

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Verified

MOTION FOR INDEPENDENT AND UNBIASED COURT

Petitioner, Shawn Talbot Rice, unrepresented, requests this Honorable Court provide an independent and unbiased judge to preside over these proceedings. Petitioner takes judicial notice of the Supreme Court law related to structural error for judicial bias.

Petitioner asserts that the court has a conflict of interest pursuant to 28 USC sections 454 and 455, because the judge in this case, based on information and belief, is believed to be invested in assets that bias the court.

Petitioner also requests the court to produce the original oath of office and all supporting documents for examination to establish that the court has jurisdiction to proceed. See

1 U.S. v. *LeBaron*, 60 U.S.73 (1856) (When person has been nominated
2 to office by President, confirmed by Senate, and his commission
3 signed by the President, **with seal of United States affixed**
4 thereto, his appointment is complete). See 15 U.S.C. 2902(c):
5 (The commissions of judicial officers ...appointed by the
6 President, by and with the advice and consent of the
7 Senate....shall be made out and recorded in the Department of
8 Justice under the seal of that department and countersigned by
9 the Attorney General).

10 Petitioner therefore moves the court to produce the original
11 oath of office of the judge in this court, for inspection of
12 Petitioner, as well as a certified copy of the Judges financial
13 statements within the last 90 days to insure that the judge has
14 no conflict of interest in this case.

15 Petitioner also requests the court, pursuant to Petitioner's
16 Constitutional rights under the First Amendment right to access
17 to the court and to freedom of speech, and pursuant to
18 Petitioner's Fifth Amendment rights of Due Process, to make
19 proper findings of fact and law on all documents filed with the
20 court, citing Supreme Court authority for its rulings, without
21 bias. Petitioner asserts that failure to make proper findings
22 of fact and conclusions of law in this case creates a
23 presumption in the case of structural error and judicial bias.

24 Petitioner also requests that the judge and magistrate in
25 this case issue a ruling on whether they have a conflict of
26 interest in these proceedings which would result in the
27 proceedings being void or overturned pursuant to 28 USC sections

1 454 and 455, and produce their financial statements, signed
2 under oath within the last 90 days, to determine if they have a
3 clear financial conflict in this case.

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6 **Pursuant to 28 USC § 1746**

7 Petitioner verifies this petition for the record. Further
8 petition sayeth not.

9 I, Shawn Talbot Rice, certify under the penalty of perjury
10 that the foregoing is true and correct.

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13 Dated this 5th day June, 2012

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16 Respectfully submitted,

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19 Shawn Talbot Rice
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